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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C 20554**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**In the Matter of**

**The Use of N11 Codes and Other  
Abbreviated Dialing Arrangements**

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**CC Docket No. 92-105**

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**INITIAL COMMENTS OF THE  
AD HOC TELECOMMUNICATIONS USERS COMMITTEE**

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**Respectfully submitted,**

**AD HOC  
TELECOMMUNICATIONS  
USERS COMMITTEE**

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The Ad Hoc Telecommunications Users Committee ("Ad Hoc Committee" or "Committee") hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking, FCC 92-203 (released May 6, 1992) ("NPRM" or "Notice") in the above-captioned proceeding.

**I.**

**SUMMARY**

The Commission initiated this proceeding in response to the petition filed March 6, 1992 by BellSouth Corporation seeking a declaratory ruling on the use of "N11" codes for "local" pay-per-call information services. NPRM, para 2. The Commission has requested comments on the limited issue of allowing local

assignment of certain N11 codes for accessing pay-per-call enhanced/informational services. NPRM, para 11.<sup>1</sup>

The use of N11 codes to access frequently-used services can facilitate customer access to these services and enhance customer convenience overall, and for that reason the Ad Hoc Committee applauds the Commission's interest in considering possible uses for these presently unused three-digit codes. However, the Committee also believes that the benefits of N11 codes, i.e. easy identification and rapid dialing, should be directed primarily at the party placing such calls — the billed party — rather than to a limited number of service providers who might happen to obtain such three-digit codes, as BellSouth and the Commission propose. Moreover, the potential applications for N11 type access go well beyond pay-per-call information services, and the use of these codes should not be so limited in this respect.

Rather than benefitting consumers, the local assignment of N11 codes to specific enhanced service providers would engender considerable customer confusion where the same codes are used for different purposes or to access different vendors of the same (or equivalent) services in different localities. Moreover, whether assigned locally or nationally, the association of specific N11 codes with specific enhanced service providers would diminish the effectiveness of competition by inappropriately enlarging the market power of the provider to whom such a code has been

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1. The "411" and "911" codes are reserved for local directory assistance and local emergency reporting, respectively, and the Commission is not considering any alternative uses for these two codes. The six remaining "N11" codes — 211, 311, 511, 611, 711 and 811 — would be available for assignment.

assigned, to the competitive detriment of those other providers to whom such abbreviated access arrangements would not be available due to the extremely limited quantity of N11 codes.

Accordingly, the Ad Hoc Committee strongly opposes the proposed local assignment of N11 codes to specific enhanced service providers. The Committee does, however, recognize that under certain circumstances there may be certain public benefit from the use of such codes for providing rapid and convenient access to various types of enhanced or other services, and will suggest herein a specific plan based upon billed party presubscription whereby the use of these codes could be accomplished in a manner that will provide a full range of consumer benefits while avoiding all of the problems inherent in the plan as proposed in the Notice.

## II.

### ARGUMENT

- A. Assignment of N11 codes to specific enhanced services providers at the local level will engender considerable customer confusion.

As the Committee understands the Commission's proposal, the N11 codes under discussion would be assigned by the local exchange carrier (LEC) on a local basis for use wholly within the local calling area or perhaps throughout a given LATA. NPRM, paras. 2, 8. This type of limited access would be analogous to that provided via so-called "976" type services, which are dialable on a seven-digit basis and which cannot be accessed across a LATA boundary over an interexchange carrier (IC)

network, even with the use of an area code. Thus, BellSouth might assign the "511" code to a pay-per-call information service provider in Atlanta, C&P might assign the same code to a voice mail provider in Washington, and Pacific Bell might offer the same "511" code to a pay-per-call adult entertainment provider in Los Angeles. In some cases, the locally-assigned "N11" code might be used to access a free service (e.g., an airline reservation bureau) whereas in other communities the same code could result in substantial charges being applied to the customer's bill.

This is distinctly not the situation for the existing N11 codes. Except where these codes are simply not used at all, 411 always accesses local Directory Assistance, and 911 always accesses local emergency reporting dispatch bureaus.<sup>2</sup> Further, and as the Notice observes, the 611 code is sometimes used to reach local repair service, and the 811 code is sometimes used to reach the LEC's business office. NPRM, para. 8. Again, where these codes are used, they are used for these purposes only, and the use is consistent across all communities in which one or both of these codes are active. However, for locally-assigned N11 codes as contemplated in the Notice, no similar, consistent definition of these codes would be maintained.

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2. To accommodate the imposition of per-call charges for local Directory Assistance service, some LECs have adopted the "1-411" dialing convention both to remind the consumer that a charge applies and to invoke the necessary toll billing equipment needed to record the call transaction.

From the perspective of business and residential consumers, non-uniform assignment of N11 codes presents a number of serious concerns:

- Customer confusion. Customers will not be able to consistently associate a particular dialing pattern with a specific service and/or service provider.
- Risk of incurring unintended charges. Because the precise purpose of a given N11 code may not be known to a particular telephone user, unintended and unwanted pay-per-call charges could well be incurred, perhaps even without the knowledge of the individual or business who is ultimately responsible for payment.
- Administrative burden. Administration of business PBX, Centrex and other types of business communications systems that are capable of screening and/or blocking calls that are subject to pay-per-call type charging will be made far more difficult if non-standard uses and charging arrangements are adopted for given N11 codes. Residential subscribers will confront similar problems in delineating the services which family members and guests may utilize.

Were the Commission to allow local assignment of N11 codes in each local calling area or LATA, customers would become both confused about this type of dialing and vulnerable to unwanted service charges. For example, if dialing 611 in a subscriber's home exchange connects the caller to a free repair service hotline maintained by the LEC, the subscriber will become confused if that same 611 code accesses a pay-per-call information service at the customer's place of employment. Under such circumstances, the subscriber may unknowingly incur fees for use of the unwanted service.

The foregoing discussion underscores the serious problems that will be created if uncoordinated local assignment of N11 codes to specific providers were to be authorized. It is

apparent that any policy regarding the use of these codes requires consistent national application. Unfortunately, as we shall discuss presently, the possibility of nationwide assignment of a particular N11 code to a specific service provider will itself engender serious competitive distortions in the marketplace for enhanced, information, or other services delivered via the telephone.

- B. Assignment of N11 to specific providers would afford such providers significant competitive advantage and would diminish the overall competitiveness of the enhanced services market.

The Commission has long recognized the competitive importance of simple or abbreviated access to services provided in competitive markets. As provided for the BOCs by the MFJ and for the GTOCs by the GTE Consent Decree, and by the Commission for other Independent telephone companies, LECs are required to furnish "1+" presubscribed access for all interLATA services from suitably equipped end offices, and the Commission has recently proposed rules regarding the disposition of "0+" calls with respect to carrier selection.<sup>3</sup> In both of these cases, the "1" or the "0" is not "hard-wired" to any one particular carrier; in the case of "1+", the selection of the carrier is made by the subscriber to the LEC basic service, and for "0+" the carrier selection would, if the Commission's plan is adopted, be based upon "billed party preference."

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3. FCC Notice of Proposed Rulemaking, CC Docket 92-77, Released May 8, 1992.



The proposal to permanently and specifically assign individual N11 codes to specific enhanced service providers flies in the face of this long-standing policy. At the very most, only six, and in some cases only four, such codes would be available in any given locality. If there are more than six providers or other users who request such codes, some will necessarily be disappointed. Suggestions for "first come, first served" or a lottery for allocation of these codes<sup>4</sup> do not and cannot alter this fundamental limitation. Even the fairest of such schemes would at best foster an enhanced services market dominated by four or by six firms, with the remaining ten, twenty, or perhaps several hundred left to utilize the longer and more difficult to remember dialing patterns.

Providers possessing such competitive advantages are likely to reflect their position through the prices they impose upon users of their (nonregulated) enhanced services or, in the alternative, force disadvantaged (i.e., non-N11) competitors to discount their own prices in order to induce customers to accept the more complex access and dialing arrangements.<sup>5</sup> It is also likely that, as with cellular and other licenses that convey rights in the scarce electromagnetic spectrum, a market would develop in which the capitalized "economic rent" associated with the ownership of one of the limited N11 codes would create

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4. See FCC News Release DC-2104, May 8, 1992.

5. In effect, non-N11 providers would receive the equivalent of "non-premium access" service that the ICs and the Commission sought for so long to eliminate.

windfall profits for the provider without offering any competitive benefit to the consumer.

Moreover, the competitive advantage that would be enjoyed by providers possessing an N11 access arrangement would be exacerbated to the extent that the potential for such confusion were to be minimized (by, for example, assigning N11 codes at the federal level to single nationwide providers rather than at the local level to numerous smaller providers). Thus, the two serious deficiencies in the proposed N11 assignment scheme cannot be resolved by, for example, federal preemption of the assignment process, because while reducing or eliminating customer confusion the resultant increase in overall industry concentration among a handful of providers would have even more serious consequences for the Commission's competitive market objectives.

### III.

#### THE AD HOC COMMITTEE'S PROPOSAL

- A. Any use of N11 codes for accessing enhanced or other services should be associated with specific types of services, and be offered for end user presubscription on the basis of billed party preference.

While the Ad Hoc Committee opposes the assignment of N11 codes to specific providers, it would not oppose the use of such codes as a means for accessing certain types of enhanced or other services in which once selected the typical customer will customarily utilize only the one selected supplier,<sup>6</sup> provided

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6. Switched long distance services furnished by interexchange carriers are a good example. Here, the customer may choose a  
(continued...)

that any such use is based upon a affirmative determination by the Commission of a clear public benefit. The Committee proposes that such use should be accomplished on a presubscription basis in a manner that is analogous to the well-established interexchange carrier presubscription arrangement.

Under the Committee's plan, if the Commission first determines that the use of a particular N11 code for a particular purpose is in the public interest, that N11 code would be assigned to a specific uniform function or type of service, and any such assignment would be uniform across the nation. Moreover, there would be no reason why such assignment need be limited to "pay-per-call" type services, and the Committee would strongly oppose such a restriction on the use of N11 codes. For example, the 311 code might be used to access a user's voice mail service provider as an alternative to dialing a 7- or 10-digit access number. Customers subscribing to voice mail type services could presubscribe to their chosen provider, in which case the dialing of the 311 code (in this example) would direct the call to the selected provider. Customers could change their presubscription selection in much the same manner as they currently do with respect to interexchange carrier presubscription, i.e., by placing a service order with the LEC business office. Customers not presubscribing to any specific provider would receive a reorder tone (a fast busy signal)

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6. (...continued)  
carrier from among many that offer the service, but once selected the chosen long distance carrier will normally furnish all of the customer's interexchange service through "1+" presubscription. A customer may, however, continue to override this selection on a call-by-call basis by means of the 10XXX dialing pattern.

indicating that a non-working code has been dialed, which is the general practice with respect to such codes at the present time.

**B. Function-based presubscription for N11 code assignment is technically feasible.**

The technical requirements needed to permit such presubscription arrangements for N11 code assignment are already in place. 911 calls are, in effect, treated in this manner, because municipal boundaries generally do not correspond to telephone exchange or central office serving area boundaries. Thus, when a given end office serves more than one municipality each of which maintains its own 911 dispatch facility, the telephone company must identify the subscriber's municipality and route the 911 call to the appropriate 911 response unit. In effect, subscribers located in each of the two or more municipalities served by the central office are "presubscribed" to the appropriate 911 response unit for their respective community by means of an appropriate entry in the LEC's customer records database. When a call to 911 is placed, the central office must examine the customer's record and route the call appropriately. The type of presubscription for other N11 codes envisioned by the Ad Hoc Committee would involve essentially the same type of administrative and technical routing arrangements.

- C. **Function-based N11 codes should be carefully conserved and assigned only upon a demonstration of substantial interest and need.**

Because only four codes (211, 311, 511 and 711) are presently available for nationwide assignment, their use should be carefully conserved. Moreover, the use of such codes should be limited to applications whereby the customer, once having selected a vendor, is not likely to use more than one vendor at any given time.<sup>7</sup> Presubscription should not be allowed for "information" type services, because customers are likely to utilize a variety of such services offered by multiple vendors, and presubscription to any one of them does not make any particular sense. At the same time, such functional assignment and presubscription should not be automatically restricted to pay-per-call type services, if a valid purpose can be identified for other types of services or applications. At the present time, voice mail is probably the only potential candidate for presubscribed N11 access. Pay-per-view cable television access may be another possible candidate, although the use of the public switched telephone network for this purpose may soon be replaced by two-way signalling within the cable television system

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7. Again, this is analogous to the 1+ presubscription afforded interexchange carrier selection. Customers may still override their selection by dialing 10XXX; similarly, a voice mail customer will be able to override his/her selection by dialing the full 7- or 10-digit access number for the provider's service.

itself.<sup>8</sup> The Ad Hoc Committee is not recommending any specific functional use for N11 codes at this time. In any event, if a particular industry segment wishes to apply for the functional assignment of an N11 code, this should be done via formal Petition to this Commission, which Petition should be placed on public notice with full opportunity for comment by interested parties prior to any final Commission action. The Commission should issue a Further Notice of Proposed Rulemaking herein setting forth specific requirements that would have to be met and standards that would be considered by the Commission in acting upon such Petitions.

**D. Function-based presubscription for N11 code assignment is consistent with established Commission policy.**

If the Commission determines that the use of N11 codes for accessing enhanced and other services is in the public interest as a policy matter, the Ad Hoc Committee believes that the solution to the problems discussed above is to apply a documented Commission principle to the use of these codes, namely "billed party preference." Presubscription based upon billed party preference via a uniformly designated N11 access code eliminates both the problem of customer confusion and the potential for an undue competitive advantage accruing to would-be owners of N11 codes that would prevail under the plan presented in the NPRM.

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8. See, e.g., "Cable Industry Exploring Approaches to Telephony as Network Evolves toward Star/Bus Topology and Ever-greater Upstream Signal Capacity," Cable-Telco Report, April, 1992, p. 8.

In CC Docket 92-77 concerning the routing of 0+ interLATA payphone traffic, the Commission concluded that billed party preference is in the public interest:

It appears that billed party preference could benefit the users of operator services by implementing the billed party's choice of carrier without complicated dialing requirements on '0' calls and by redirecting the focus of OSP competition for public phone traffic toward the end user and away from the recipient of 0+ commissions.<sup>9</sup>

In Docket 92-77, the Commission has also tentatively concluded that billed party preference could equalize the playing field for operator services.<sup>10</sup>

The Ad Hoc Committee believes that billed party preference is the appropriate policy for assignment of N11 numbers as well. By applying this principle to the instant case, the benefits of N11 dialing can still be fully realized, but would accrue entirely to the users of the enhanced telecommunications services rather than to a limited number of providers.

- E. Function-based presubscription is fully consistent with and will maintain the integrity of the North American Numbering Plan.**

The Committee's plan would also preserve the integrity of the North American Numbering Plan (NANP) by preventing the fragmentation that would arise through uncoordinated and non-

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9. CC Docket 92-77, op. cit., footnote 3, para 13.

10. Id., para 20.

standard local assignment of N11 codes. Under the proposal as set forth in the Notice, the same N11 number would address different customers (the enhanced service provider) based upon the location of the calling party, and there would be no ability to overcome that routing by, for example, dialing an area code.<sup>11</sup>

Since the Ad Hoc Committee's presubscription proposal does not result in the unique assignment of any N11 code to any specific provider, there will be no fragmentation of the NANP.

#### IV.

#### CONCLUSION

For the foregoing reasons, the Ad Hoc Committee urges the Commission to reject the BellSouth petition and the plan for local N11 assignment as set forth in the NPRM, and to consider and adopt instead the Committee's plan for uniform, nondiscriminatory function-based access to N11 calling codes, based upon billed party presubscription, if the Commission

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11. While the same 7-digit number is (or can be) used in each NPA, the concatenation of the NPA with the 7-digit number always results in a unique 10-digit address that is associated with one and only one customer. No such NANP-wide unique numbering would apply for N11 codes assigned locally as envisioned in the Notice.



determines that the proposed use of N11 codes for enhanced service access is in other respects consistent with the public interest.

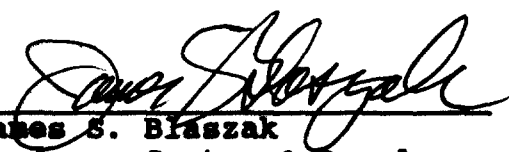
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